

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff;

v.

COMMONWEALTH OF PUERTO RICO,
ET AL.,

Defendants.

No. 12-cv-2039 (GAG)

**JOINT MOTION FOR A 45-DAY PERIOD TO REVIEW AND ADDRESS THE
ACLU OF PUERTO RICO'S RECOMMENDATIONS ON REFORM**

TO THE HONORABLE COURT:

Plaintiff, the United States of America, and Defendants, the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau ("PRPB") (collectively, "the Parties"), respectfully request a 45-day period to review and address any recommendations that *amicus curiae* the American Civil Liberties Union of Puerto Rico ("ACLU") may make on the police reform process pursuant to the Court's Order of March 4, 2019. Order, ECF No. 1124 (Mar. 4, 2019). The ACLU's recommendations are due on April 15, 2019. *Id.* The 45-day period provides the Parties with an opportunity to seek additional information; determine the feasibility of the recommendations; and take action to address them, as appropriate, to further the reforms under the Agreement for the Sustainable Reform of the Puerto Rico Police Department ("Agreement"), ECF No. 60. Following the 45-day period, the Parties will report jointly to the Court on the actions taken in response to the ACLU's recommendations, including whether any further action is necessary from the Court or the Monitor.

1. On March 4, 2019, the Court instructed the ACLU to “meet within the next 30 days with counsel for PRPB, USDOJ and Monitor to discuss the monitoring phase of this case.” Order, ECF No. 1124. The Court further instructed the ACLU to “file a memorandum stating to the Court its position as to the current status of affairs as to all areas of the Agreement subject to monitoring” on or before April 15, 2019, and to “make any prospective recommendations to the Court.” *Id.*

2. In compliance with the March 4 Order, counsel for the Parties and the Monitor met with the ACLU’s executive director and attorneys on March 22, 2019, in San Juan, Puerto Rico. During the meeting, the participants discussed the monitoring phase of the case, progress achieved during the capacity-building period, and other questions raised by the ACLU.

3. The Parties expect that the ACLU will file its memorandum and recommendations by April 15, 2019. Pursuant to the March 4 Order, the ACLU’s submission must “focus on the larger perspective of the reform,” rather than to “criticize or commend particular incidents or actions taken.” *Id.* The ACLU is also required to file the memorandum in restricted mode “so that it serves as a working document for objective discussion among the Court, Monitor, and Parties.” *Id.*

4. Once the ACLU’s memorandum and recommendations are filed in restricted mode with the Court, the Parties request a 45-day period to review the ACLU’s recommendations and determine whether they are feasible based on the requirements of the Agreement, the authority conferred on the Monitor, and the Court’s orders. In some cases, it may be necessary to seek additional information and learn more about the ACLU’s recommendations. For those recommendations that are feasible, the PRPB may initiate action, as

appropriate, to implement the recommendations in accordance with the Agreement and the Court's orders.

5. At the conclusion of the 45-day period, the Parties agree to report jointly to the Court and the Monitor on action taken, if any, in response to the ACLU's recommendations and whether any further action is necessary from the Court or the Monitor. The Parties also agree to provide their assessment of the feasibility of the ACLU's recommendations, including those that should be adopted, modified, or rejected, pursuant to the Agreement and the Court's orders. In this regard, the ACLU's memorandum and recommendations will remain a "working document for objective discussion among the Court, Monitor, and Parties," with the benefit of the Parties' analysis, as intended by the March 4 Order. *Id.*

WHEREFORE, the Parties respectfully request that the Court grant a 45-day period to permit the Parties to consider the ACLU's recommendations and to report to the Court on their response to the recommendations.

Respectfully submitted, this 15th day of April, 2019,

For Plaintiff UNITED STATES OF
AMERICA:

STEVEN H. ROSENBAUM
Chief, Special Litigation Section

s/Luis E. Saucedo

TIMOTHY D. MYGATT

Deputy Chief

LUIS E. SAUCEDO (G01613)

Counselor to the Chief

JORGE CASTILLO (G02912)

Trial Attorney

U.S. Department of Justice

Civil Rights Division

Special Litigation Section

950 Pennsylvania Avenue, NW

Washington, DC 20530

For Defendants COMMONWEALTH OF
PUERTO RICO, ET AL.:

s/Maria A. Dominguez

Maria A. Dominguez

USDC-PR No. 210908

madt@mcvpr.com

s/Arturo J. Garcia Sola

Arturo J. Garcia Sola

USDC-PR No. 201903

ajg@mcvpr.com

s/Javier F. Micheo Marcial

Javier F. Micheo Marcial

USDC-PR No. 305310

jfmm@mcvpr.com

Tel: (202) 598-0482
Fax: (202) 514-4883
luís.e.saucedo@usdoj.gov
jorge.castillo@usdoj.gov

Attorneys for Plaintiff

McCONNELL VALDÉS LLC
P.O. Box 364225
San Juan, PR 00936-4225
Telephone (787) 250-5641
Fax: (787) 759-8282

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th of April, 2019, I filed the foregoing pleading electronically through the CM/ECF system, which caused the parties, counsel of record and the Technical Compliance Advisor on the service list to be served by electronic means.

s/Luis E. Saucedo
LUIS E. SAUCEDO (G01613)
Counselor to the Chief